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OCEANS AND THE LAW OF THE SEA

SUSTAINABLE DEVELOPMENT AND INTERNATIONAL ECONOMIC COOPERATION

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

OPERATIONAL ACTIVITIES FOR DEVELOPMENT

Letter dated 3 September 1997 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to the enclosed document which reflects the position of the Islamic Republic of Iran concerning the legal regime of the Caspian Sea (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under items 39, 99, 100 and 101 of the provisional agenda.

(Signed) Majid TAKHT-RAVANCHI
Ambassador
Chargé d'affaires a.i.

* A/52/150 and Corr.1.

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ANNEX

Position of the Islamic Republic of Iran concerning the legal regime of the Caspian Sea

The Caspian Sea is a body of water with a unique character that is of vital importance to its coastal States. Those States bear a common responsibility regarding its proper utilization, the development of its natural resources and the preservation of the environment.

The legal regime governing the Caspian Sea has been provided for in the Treaty of Amity concluded between Iran and Russia on 26 February 1921, as well as the Commerce and Navigation Agreement concluded between Iran and the Union of Soviet Socialist Republics on 25 March 1940 and the letters annexed thereto. In those instruments, the Caspian Sea, except for the 10-mile exclusive fishery zone, was described as an Iran-Soviet sea. In accordance with the rules and principles of international law, those agreements are binding on all successor States of the former Soviet Union.

It should be recalled that the successor States of the former USSR, in accordance with the Alma Ata Declaration of 21 December 1991 (A/47/60-S/23329, annex II), have guaranteed "the discharge of the international obligations deriving from treaties and agreements concluded by the former Union of Soviet Socialist Republics". Therefore, the above-mentioned agreements continue to be binding on the Islamic Republic of Iran and on the Russian Federation, as they are binding on the other republics of the Commonwealth of Independent States which are the coastal States of the Caspian Sea.

As clearly stated in the communiqué issued at Ashgabat by the Ministers for Foreign Affairs of the five coastal States on 12 November 1996, the complementation of the legal regime of the Caspian Sea, following the dismemberment of the USSR, can occur only through the unanimous decision of the five coastal States.

On the basis of the foregoing, as long as the legal regime of the Caspian Sea has not been complemented, any measure adopted by the coastal States in contravention of the existing legal regime or any action taken without the agreement of all coastal States shall not be acceptable to the Islamic Republic of Iran. Not only do such measures and actions not establish a basis for any right or any claim, but the full responsibility for the consequences of such illegal measures and actions, including damages caused to other coastal States, the natural resources and the environment of the Caspian Sea, rests with States violating its legal regime.

In view of the vital importance of the Caspian Sea to its coastal States and considering the vulnerability of the environment of that body of water with its unique character, the Islamic Republic of Iran, following the dissolution of the USSR, has made consistent efforts to expedite the updating process of the legal regime of the Caspian Sea and has persistently invited the cooperation and understanding of the other coastal States to that end.